

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JUN 22 2017

UNITED STATES OF AMERICA

§ **SEALED** BY
§ DEPUTY _____

v.

§ No. 6:17-CR-48
§ (Judge Clark)

RAUL DAVID RODRIGUEZ MARTINEZ

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

COUNT 1

Violation: 18 U.S.C. § 1029(a)(4)
(Possession of Device-Making
Equipment)

On or about April 16, 2017, in Smith County, Texas, in the Eastern District of Texas, the defendant, **Raul David Rodriguez Martinez**, knowingly and with intent to defraud, possessed device-making equipment as defined in 18 U.S.C. § 1029(e)(6), namely a skimmer, that is a device capable of reading and recording account information, including customer names, account numbers, and personal identification numbers, from credit cards and debit cards, said possession affecting interstate commerce.

All in violation of 18 U.S.C. § 1029(a)(4).

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE
18 U.S.C. §§ 982(a)(2)(B) and 1029(c)(1)(C) and 28 U.S.C. § 2461

As a result of committing the offense as alleged in this Indictment, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 1029(c)(1)(C), all personal property used or intended to be used to commit the offense, including but not limited to the following:

- Bluetooth skimmer.

Further, the defendant shall forfeit to the United States any property constituting or derived from proceeds obtained directly or indirectly as a result of the violation pursuant to 18 U.S.C. § 982(a)(2)(B) and 28 U.S.C. § 2461.

If any property subject to forfeiture, as a result of any act or omission by the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty,

the United States shall be entitled to forfeiture of substitute property up to the value of the forfeitable property.

A TRUE BILL

6-22-2017

Date:


GRAND JURY FOREPERSON

BRIT FEATHERSTON
ACTING UNITED STATES ATTORNEY



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NOTICE OF PENALTY

COUNT 1

VIOLATION: 18 U.S.C. §§ 1029(a)(4) and (c)(1)(a)(ii)

PENALTY: Imprisonment for not more than 15 years; a fine of not more than \$250,000, or twice any pecuniary gain to the defendant or loss to the victim(s); and a term of supervised release of not more than 3 years.

SPECIAL ASSESSMENT: \$100.00